

Remarks

The Office Action mailed on December 30, 2002 has been fully considered.

The Office Action rejects claim 3 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 3 has been amended to more clearly define the present invention.

The Office Action also rejects all of claims 1-9 under 35 U.S.C. § 102(b) as being anticipated by Zighelboim (U.S. Pat. No. 5,366,732). Zighelboim discloses a method of preparing, treating, and then milking cows. First, the teats and udder are washed with an aqueous soap solution. The teats and udder are then *manually* massaged as they are dried with a moisture-activated wipe. The wipe includes an antimicrobial agent that is released when the wipe absorbs moisture. Thereafter, the teats are milked.

The present invention, on the other hand, discloses a procedure for milking animals wherein the teats are *mechanically* sequentially stimulated and milked. Mechanical sequential is advantageous over manual stimulation because mechanical stimulation provides consistent and controlled stimulation. The control and consistency of manual stimulation, on the other hand, is likely to vary depending on several factors. For example, the force exerted by the attendant's hand may vary depending on how tired the attendant is or how many animals' teats the attendant has already stimulated that day. Such inconsistent stimulation may have adverse effects on the milking process.

Claim 1 has been amended to more clearly recite that in the method for milking animals in accordance with present invention, the teats are *mechanically* sequentially stimulated. The independent claim, as amended, is patentable over Zighelboim. Dependent claims 2-9 are patentable for the same reasons regarding the independent claim.

With regard to claim 3, the Office Action asserts in paragraph 4 that Zighelboim discloses the claimed method during which a phase without stimulation occurs between two stimulation phases. The Office Action notes that “washing and drying the teats is *not* interpreted as a stimulation.” This is contrary to the Office Action’s assertion in paragraph 6 that “pre-stimulation is interpreted as the washing and drying of the teats.” Nevertheless, Zighelboim does not teach or suggest a phase without stimulation between the stimulation phases of two different teats, as recited in dependent claim 3.

With regards to claim 5, The Office Action asserts that Zighelboim discloses pre-stimulation of the udder by washing and drying the teats. Applicant respectfully disagrees. Zighelboim does not teach or suggest that washing the teats provides any type of massage or stimulation. In fact, Zighelboim discloses in Column 3, lines 1-32, that the teats and udders of the cow are washed by being sprayed or hosed with an aqueous soap solution. This type of spraying or hosing is not stimulation.

While Zighelboim discloses stimulating the teats and udder by drying them with the antimicrobial wipe, Zighelboim does not teach or suggest that the udder is separately dried before the teats are dried. Particularly, Zighelboim recites in Column 2, lines 14 and 42, that the “teats and udder” are dried, with “teats” being listed first. Therefore, the teats and udder of Zighelboim are at least dried, and therefore stimulated, at the same time.

With regards to claims 6-8, the Office Action asserts that Zighelboim discloses decreasing the sequential stimulation of the teats during the milking procedure. Again, Applicant notes the conflicting arguments in the Office Action. In paragraph 7, the Office Action states that the stimulation is the antimicrobial wash. Paragraph 4, on the other hand, states that the washing and drying of the teats is not interpreted as stimulation. Nevertheless,

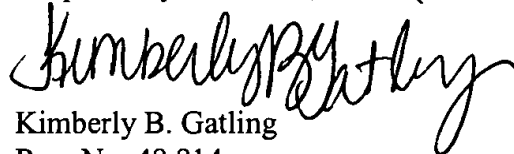
Zighelboim discloses stimulating the teats only in conjunction with drying them with the wipe. As discussed above, washing the teats by spraying or hosing does not provide stimulation. Further, Zighelboim does not teach, suggest, or even address decreasing the intensity of the sequential stimulation of the teats.

With regards to claim 9, the Office Action asserts that Zighelboim discloses the claimed method during which milk flow is measured and the intensity of the stimulation of the teats is changed based on the milk flow. Applicant respectfully disagrees. Zighelboim discloses collecting milk in a milk cup but it does not teach or suggest changing the intensity of the stimulation based on the collected milk. This issue is not addressed by Zighelboim.

In summary, the present invention discloses a procedure for milking animals wherein the teats of the animal are *mechanically* sequentially stimulated and milked. Independent claim 1, as amended, clearly recites this feature of the invention and is therefore patentable over Zighelboim. Dependent claims 2-9 are patentable for the same reasons regarding independent claim 1.

Based on the foregoing amendments and remarks, allowance of the claims in the application is respectfully requested.

Respectfully submitted,


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